UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,023	01/02/2002	Gregory C. Kime	42390P12859	7085

			EXAMINER
8791	7590	07/11/2006	AVELLINO, JOSEPH E

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13,14,19-22 and 28-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13,14,19-22 and 28-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-11, 13, 14, 19-22, 28-30 are presented for examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 15,

2006 has been entered.

Claim Rejections - 35 USC § 103

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

        Claims 1-11, 13, 14, 19-22, 28-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rajasekharan et al. (USPN 6,480,961) (hereinafter Rajasekharan) In

view of Banker et al. (USPN 6,005,938) (hereinafter Banker).

4.   Referring to claim 1, Rajasekharan discloses a method comprising:

        predetermining content of a data stream prior to receiving a request for the data

stream and generating fingerprint blocks based on the predetermined content of the

data stream (i.e. content integrity values are stored in the server which must be

generated prior to the establishment of the data stream) (col. 4, lines 13-23);

transmitting the one or more fingerprint blocks (i.e. content integrity values in

authorization data) to the client (col. 4, lines 6-12); and

receiving the request for the data stream (an inherent feature, otherwise the data

would not be transmitted to the reciever

transmitting the data stream in response to the request to the client via a second

connection (it is well known that in HTTP, which is used over the Internet, the

connection is closed after data is transmitted to the destination and in order to transmit

data again, as in a new data stream, a new session connection must be created

between the client and the server) (col. 4, lines 50-64).

Rajasekharan does not specifically state that the fingerprint blocks and the data

stream are sent on demand wherein the on-demand transmitting of the data stream

includes simultaneous transmission, or that the fingerprint blocks are transmitted prior to

receiving the request for the data. In analogous art, Banker discloses another method

of secure data transmission which includes the fingerprint blocks (i.e. entitlement control

messages ECM and EMMs) are sent before the request for the data stream (i.e. first

receiving a message from the service provider an authorization for the server, and then

receiving the service) (col. 7, line 62 to col. 8, line 6). It would have been obvious to

one of ordinary skill in the art to combine the teaching of Banker with Rajasekharan in

order to protect digital information that is provided to users of a network as well as to

prevent replaying decryption information that the user received while subscribed to a

service to decrypt information after dropping the subscription as supported by Banker

(col. 1, lines 1-20).

5.   Referring to claim 2, Rajasekharan discloses sending to the client parameters for

sampling the data stream (i.e. strength of security desired) (col. 4, lines 60-64).

6.   Referring to claim 3, Rajasekharan discloses generating one or more fingerprint

blocks comprises generating a CRC (i.e. hash) values for the one or more sampled

portions of the data stream (col. 4, line 65 to col. 5, line 3).

7.   Claim 4 is rejected for similar reasons as stated above.

8.   Referring to claim 5, Rajasekharan discloses the invention substantively as

described in claim 4. Rajasekharan does not specifically state the first connection is an

out-of-band connection and the second connection is a primary data connection. In

analogous art, Banker discloses the first connection (i.e. that carrying the EMMs and

ECMs) is an out-of-band connection and the second connection is the primary data

connection (i.e. it is well known that the cable box connection for the service, channel, is

the primary data connection for the cable box, and any other connection is a secondary

channel, such as to bring control messages to the headend) (col. 6, lines 50-55).

9.   Referring to claim 6, Rajasekharan discloses generating an error message at the

client if one or more fingerprint blocks do not match one or more fingerprint blocks

generated at the server (col. 5, lines 4-9).

10.   Referring to claim 7, Rajasekharan discloses the invention substantively as

described in claim 4. Rajasekharan furthermore discloses communicating an error

message to the server from the client if one or more fingerprint blocks do not match one

or more fingerprint blocks generated at the server as seen in claim 6, however does not

specifically state that this message is transmitted to the server from the client. It is well

known in the art that error messages are transmitted between server and clients for

error messages (i.e. NACK's) and would be an obvious modification to the system of

Rajasekharan in order to alert system administrators that there is an unauthorized user

attempting to download content off the server, thereby providing increased security with

the system.

11.   Referring to claim 8, Rajasekharan discloses the invention substantively as

described in claim 4. Rajasekharan does not specifically state communicating a valied

status message to the server from the client but does state generating a signal (Figure

4, ref. 450), and it is well known in the art for clients to generate valid messages (i.e.

ACK's) to servers and would be an obvious modification to the system of Rajasekharan

in order for transmission auditing and determining if there is any degradation in the

transmission along the route, thereby providing checks in order to ensure the client has

received the stream and there is no problems with the software.

12.   Claims 9-11 are rejected for similar reasons as stated above.

13.   Claims 13, 14, 19-22, 28-30 are rejected for similar reasons as stated above.

Furthermore Rajasekharan discloses a packetizer for creating packets (i.e. an inherent

feature in any Internet server), and to generate an error message if a threshold

percentage of fingerprint blocks do not match (Figure 4, ref. 450 and related portions of

the disclosure).

Response to Arguments

14.   Applicant's arguments filed October 17, 2005 have been fully considered but they

are not persuasive.

15.   In the remarks, Applicant argues, in substance, that (1) Rajasekharan or Baker,

individually or when combined, do not teach or suggest transmitting the fingerprint

blocks prior to receiving the request for the data stream.

16.   As to point (1) Applicant is incorrect. As shown above, Rajasekharan discloses

generating the validation data prior to the request for data and that the authorization

data is installed on the device prior to the playing of the data stream, however does not

specifically disclose whether this is before or after the data stream is requested by the

client. Banker discloses transferring control data *before* receiving the request for the

instance. These references in combination meet the limitations of the claimed invention

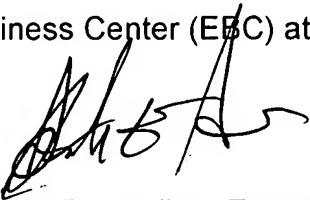and, by this rationale, the rejection is maintained.

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph E. Avellino whose telephone number is (571)

272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Joseph E. Avellino, Examiner
July 5, 2006